

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONALD BRITTON,  
Plaintiff,

v.

MARK TEMPLIN,  
Defendant.

Case No. 22-cv-03468-JSC

**ORDER OF DISMISSAL FOR  
FAILURE TO SERVE SUMMONS &  
COMPLAINT**

Re: Dkt. No. 18

On September 13, 2022, the Court ordered Plaintiff to serve the summons and complaint on Defendant in accordance with Federal Rule of Civil Procedure 4(e) and file a certificate of service on or before October 14, 2022. (Dkt. No. 17.) Plaintiff did not do so. On December 6, 2022, the Court ordered Plaintiff to show cause why this case should not be dismissed under Rule 4(m), in writing by January 3, 2023. (Dkt. No. 18.) The Court also warned Plaintiff that failure to show cause could lead to his case being dismissed under Rule 4(m).

To date, Plaintiff has not filed a response, filed a certificate of service, or otherwise communicated with the Court. Accordingly, this case is DISMISSED without prejudice under Rule 4(m). *See* Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”). The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: January 11, 2023

  
JACQUELINE SCOTT CORLEY  
United States District Judge